

November 21, 2022 @ 6:30 P.M.

The Township Board of Commissioners held their regular monthly meeting on the above date and time at 97 Wanamaker Avenue, Essington, PA 19029 with Patrick K. McCarthy, President, presiding. Present:

Patrick K. McCarthy, President
Patrick Barr, Vice President
Dennis Arthur, Commissioner
Lisa Edmiston, Commissioner
Roger Joseph, Commissioner
David D. Schreiber, Manager
Sam Auslander, Esq., Solicitor

Township Engineer Dennis O'Neill was absent from this meeting. The Engineer's office was represented by Mr. Dominick Scrivano.

President McCarthy called the meeting to order and all rose for the Pledge of Allegiance to the Flag.

Pastor York Ash of the New Life Community Church gave an invocation prior to starting the meeting.

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ON A MOTION by Lisa Edmiston and second by Patrick Barr, the minutes of the October 2022 Commissioners Monthly Meeting were accepted and approved, by a unanimous voice vote.

Board President McCarthy reported that all members had received copies of the Treasurer's and Secretary's Report of Receipts. There being no questions;

ON A MOTION by Roger Joseph and second by Patrick Barr, the reports were accepted and approved as submitted, by a unanimous voice vote.

Mr. McCarthy reported that the bill list for November 2022 will be distributed to all members at the end of the month. There being no questions;

ON A MOTION by Dennis Arthur and second by Patrick Barr, the bill list will be paid for the month of November 2022 by a unanimous voice vote.

Public Comments on Agenda Items:

Mr. Zurdi Dobi, 200 Powhattan Avenue, Lester, made the following comments:
Referencing Items 8 and 9 pertaining to the proposed Wawa store and developer 500 Wanamaker Avenue Partners, Mr. Dobi asked for an update on the appeal filed by the adjourning Sunoco owner. Regarding Item 10, Release No. 31 to Wu, asked the Township Solicitor to provide a

status of the Wu vs. Tincum Township litigation. Asked for an update of the Delaware County Health Department lawsuit and the number of liens filed in the Township and their corresponding dollar amounts. Also referenced the broken glass pane at the bus stop at the current Wawa store.

Mr. Art Perdun, S. Gov Printz Blvd., asked who owns the former Church property there the proposed Wawa store is located. The Board responded that the Church still owns the property and that the developer's ownership is contingent upon their project being fully approved.

COMMITTEE REPORTS:

ADMINISTRATION, LAW, ORDINANCE, PUBLIC SAFETY AND FINANCE – Patrick K. McCarthy Chairman

Land Development Application of William Betz, Inc. 320 S. Governor Printz Blvd

ON A MOTION by Patrick Barr and second by Lisa Edmiston the Board voted unanimously via roll call vote to approve the Land Development application of William Betz, Jr., Inc. 320 S. Governor Printz Blvd. The applicant proposes to construct a 2,340 sq. ft. 1 story addition to their existing plumbing, heating and supply business building. Said approval will be subject to the comments and recommendations offered by the Township Engineer in his October 14, 2022 review letter.

500 Wanamaker Avenue Partners – Wawa – Penn DOT Right-of-Way

Prior to voting on this item, the following comments were provided:

Solicitor Sam Auslander stated that the agreements for this item and the next are in reference to the proposed new Wawa store. Penn DOT requires the municipality to be the applicant. However, the developer will be responsible for the installation and maintenance of the facilities.

Commissioner Patrick Barr, referring to his previous “no” vote on this project at this location, stated that he does not believe this is the best use of this property. Mr. Barr stated his belief that this is a “net negative” for Township residents and that another use of this property would be a better benefit to the Township. Mr. Barr referenced Wawa's reluctance to keeping their existing store on S. Gov Printz Blvd open as a condition of approval for the new, proposed location. Mr. Barr referenced traffic concerns with the projects proximity to the existing I-95 exit ramp, the probable closure of the existing Sunoco gas station, and the possible closing of the existing Wawa as specific concerns.

ON A MOTION by Roger Joseph and second by Dennis Arthur the Board voted via majority roll call vote to execute a joint Application for a Highway Occupancy Permit and a Penn DOT Right-of-Way Storm water Management Facilities Operations and Maintenance Agreement with

500 Wanamaker Avenue Partners, LLC (“Owner”) for the proposed Wawa Store Development at 500 Wanamaker Avenue, which shall not become effective or filed of record until Owner acquires legal title to the subject property, receives Penn DOT approval for its Storm water Facilities, and the settlement, discontinuance and/or termination of any and all litigation pertaining to the property.

Said agreement will ensure that the Owner will be responsible for the construction, maintenance, inspection and repair of the Storm water Maintenance System required for the development of the property.

Aye: Commissioners Joseph, Arthur, Edmiston, McCarthy

Nay: Commissioner Barr

500 Wanamaker Avenue Partners – Wawa – Easement for Traffic Signal Devices and Associated Facilities

ON A MOTION by Dennis Arthur and second by Lisa Edmiston, the Board voted via majority roll call vote to accept the dedication of a permanent Easement from 500 Wanamaker Avenue Partners, LLC (“Owner”) for the construction, installation, maintenance and repair of any required traffic signals, traffic signal improvements and associated facilities upon the Owner’s property or Right-of-Way. Acceptance of dedication by the Township is contingent upon the Owner’s acquisition of legal title to the subject property and the settlement, discontinuance and/or termination of any and all litigation pertaining to the property.

Aye: Commissioners Joseph, Arthur, Edmiston, McCarthy

Nay: Commissioner Barr

Release #31 to Wu and Associates for the Work Completed on the Restoration of the Lazaretto Building

Prior to voting on this item, the Township Solicitor referenced the litigation in which the Township is involved with Wu and Associates. Mr. Auslander stated that “retainage” is a 10% reduction in each approved invoice payment as called for under the terms in the party’s contract. Each invoice is approved for payment after review and certification by the project architect, Vitetta. Approval and certification for this payment was received by the Township on November 14, 2022. At this time, litigation continues. The parties have exchanged over 42,000 documents, several depositions have been taken with more to come. Litigation may last into 2023.

ON A MOTION by Roger Joseph and second by Patrick Barr, the Board voted unanimously via roll call vote to approve Release # 31 of a portion of the retainage in the amount of \$425,287.27 to Wu & Associates, Inc. for work in accordance with the Lazaretto Restoration Contract and the Architect’s Certificate for Payment issued by Vitetta, the Project Architect, on November 14, 2022.

Adoption of Resolution 2022-012 Reaffirming Matching Funds for the State RACP Grant for the Lazaretto

ON A MOTION by Dennis Arthur and second by Patrick Barr, the Board voted unanimously via roll call vote to adopt Resolution 2022-012 reaffirming and reauthorizing funds from Township Accounts previously dedicated to ensure the completion of the rehabilitation and renovation of the Historic Lazaretto Building and combining Grant ME 300-310 and ME 300-311 into one grant number ME 300-310.

Adoption of Resolution 2022-013 Creating an American Recovery Restoration Act Bank Account at County Savings

ON A MOTION by Dennis Arthur and second by Patrick Barr, the Board voted unanimously via roll call vote to adopt Resolution 2022-013 creating an account for the deposit of American Recovery Restoration Act funds and maintaining signature cards on file with County Savings Bank.

Release #2 for Street Resurfacing

ON A MOTION by Lisa Edmiston and second by Roger Joseph, the Board voted unanimously via roll call vote to approve Release #2 for the Township's 2022 Street Resurfacing program in the Amount of \$29,863 payable to Gessler Construction Co., Inc. of Media Pa. The release has been reviewed and approved by the Township Engineer

COMMITTEE REPORTS

Code Enforcement Report – Roger Joseph, Chairman

October 2022 - The Code Enforcement Officer Issued:

61 Certificates of Occupancies for a total of \$ 4,290

16 Building Permits for a total of \$ 33,703

Police, Fire, and Buildings: Patrick K. McCarthy, Chairman

Police Report October 2022

Township Fines: **\$ 1,833** Of that amount, a total of **\$ 177** were Parking Tickets.

The department handled **536** incidents and made **27** criminal arrests

25 of those criminal arrests were adults

02 of those criminal arrests were juveniles. Out of those juveniles

02 of the juveniles were handled within the Department and Released.

00 animals were taken into custody

Fire Company Report: October 2022

Building Fire	08 (2 Working Fires)
Vehicle Fire	01
Assist EMS	06
MVA w/Injury	04
MVA w/o Injury	03
MVA w/ Entrapment	01
Gas Leak	01
CO Alarms	01
Police Matter	01
Dispatch/Cancel	08
Auto Fire Alarms	09
Total Calls	43

Fire Marshal Report October 2022

Plan Reviews:

1. Revised Fire Alarm Plan 215 Wanamaker Avenue Mercantile/Apartments.
2. Fire Sprinkler Plan at 10 Industrial Highway, Ivy Property.
3. PHL Terminal 'A' East TSA Office Renovations.
4. PHL Terminals & Concourse Restroom Renovations
5. 200 Stevens Drive 1st Flor Fire Sprinkler Renovations

Fire Inspections and Acceptance Tests:

1. International Plaza II Suite 640 Re-inspection/Acceptance Test of the Strobe Light Visual Fire Alarm System, Phase I.
2. Airport Business Complex, Required New Fire Sprinkler 2 Hour Hydrostatic Test of the Piping System
3. Colonial Pipe Line PHL Transfer Terminal

Fire Investigation:

1. Lehman's Tavern and Restaurant. Cause determined to be "undetermined"

Ray Lonabaugh, Fire Marshal

Public Works, Highways, and Railroads: Lisa Edmiston, Chairperson

Trash removal for the month of October 2022:

Regular Trash	176	Tons
Bulk Trash	11	Tons
Yard Waste	5	Tons

Public Works, Highways, and Railroads: Lisa Edmiston, Chairperson

- Opened Tide Gate for heavy rain
- Prepped Governor Printz Park for Community Day
- Moved equipment and machinery to new storage space within Tincum Industrial Park
- Prepped Lazaretto Property for Seaplane “Splash In”
- Began installing holiday lights at Governor Printz Park
- Placed “No Parking” signs along Wanamaker Avenue for Penn DOT paving

George Hinkle, Superintendent

Sanitation: Dennis R. Arthur, Chairman

Tincum Township Wastewater Treatment –October 2022

Total flow	39,104,000 gallons	
Average Daily Flow	1,206,000 gallons	
Total sludge	56,000 gallons	(3.7% solids)
Methane Gas	98,175 cu ft	

- All Pumping Stations were serviced

Respectfully Submitted,

Louis Clark, Jr., Superintendent

Health & Recreation: Pat Barr, Chairman

Mr. Barr thanked the Health Officer, Code Enforcer, and Fire Marshall for their professionalism and timely inspections of all of the hotels and motels in town. Mr. Barr noted that the Health Officer, Code Enforcer and Fire Marshall, as well as the Police, deal with a variety of on-going and difficult issues at the hotels and motels and recognized their efforts in trying to ensure the safety of the travelling public and Township residents.

Mr. Barr noted that the Township Christmas tree lighting will take place at Governor Printz Park on Sunday, November 27.

Mr. McCarthy stated that he received a phone call from a family whose child struggles with some emotional issues and the caller wanted to thank the Commissioners for their work at Governor Printz Park as it helps the family deal with their issues.

Solicitor’s Report: Sam S. Auslander, Esquire

Mr. Auslander reported that Judge Angelos has rendered a decision regarding the litigation involving the Delaware County Health Department. The Judge has ruled in favor of the 7 First Class Township’s that brought suit against the County, enabling the Township’s to continue to have local inspections of their restaurants and bars. There was one Township, Middletown Township, which the Judge did not rule in favor of since it is not a First Class Township. Middletown has appealed the Judge’s order dismissing their action. Tincum as provided all of the documentation required in the Judge’s decision within the required 45 day time frame. The County has the opportunity to appeal the Judge’s order. At this time, there is no indication that an appeal has been filed.

Mr. Auslander has filed approximately \$10,862 in municipal liens, of which, approximately \$6600 is still outstanding. Mr. Auslander also reported that he has been working with the Board and the City of Philadelphia on a settlement agreement for Tincum Island Road and expects to have more to report in December.

Engineer’s Report: Dennis O’Neill, P.E.

In Mr. Dennis O’Neill’s absence, Mr. Dominick Scrivano had no further report.

Manager’s Report: David D. Schreiber

The Township manager reported that the Township met in October with the new Chief Executive Officer of Crozer Health Care regarding the on-going issue of Crozer’s request for payment for paramedic services. Crozer’s CEO reported that Crozer is no longer pursuing payment and will be keeping their service in place as it was.

The paving that was to be done by Penn DOT along Wanamaker Avenue in late October to early November has been pushed off until 2023 by Penn DOT. Two requests-for –proposals have been advertised for the parks and open space grants provided by Delaware County.

Secretary’s Correspondence –

John Morton Boy Scout Winter Survival Weekend

ON A MOTION by Patrick Barr and second by Roger Joseph the Board voted unanimously via voice vote to approve the request of the John Morton Winter Survival organizers to hold their annual event at Westinghouse Grove Park on the weekend of January 7th and 8th 2023 with a bad weather date of January 14 and 15 2023.

New Life Community Church of God

ON A MOTION by Roger Joseph and second by Lisa Edmiston the Board voted unanimously via voice vote to approve the request of the New Life Community Church to use Manor Field for a hayride and additional parking for their December 18 community event.

Other Business – There was no Other Business. .

Adjourn the Business Portion of Meeting

ON A MOTION by Roger Joseph and second by Patrick Barr to adjourn the business portion of this meeting by a unanimous voice vote.

Public Participation

Mr. Art Perdun, S. Gov Printz Blvd., made reference to the Motel 6 being a “flop-house” and expressed his concern that Delaware County agencies place people there for various reasons. Asked what the chances were that Middletown will be successful in appealing the Judge’s order. Mr. Perdun expressed concern that other services provided by the County would not be provided as a result of this lawsuit. The Solicitor responded that the lawsuit was only in connection to inspections, not other services involving the Health Department. Mr. Perdun alluded to “fees” that the Township would have to pay the County. The Solicitor responded that the restaurant or bar establishment pays the inspection fees. Mr. Perdun expressed concern about who would be responsible for accidents arising from any work done on the traffic signals. Mr. Perdun is concerned about the retail theft from the existing Wawa.

Mr. Zurdi Dobi, 200 Powhattan Ave., stated that Mr. Auslander referenced “superior” court for any appeals made regarding the Delaware County Health Department lawsuit and thought it should be “commonwealth” court. Asked if any bullet holes were found or arrests made regarding the broken glass at the bus shelter in front of the Jansen Avenue Wawa. Asked if the graffiti on the I-95 underpass was gang related. Referenced several lawsuits involving the Township including: Wilson v. Tincum Township, Cicconi v. Tincum Township and asked for docket numbers.

Ms. Marian Matuliwich, 200 Powhattan Ave., asked if the Board was aware of anyone feeding the wild geese.

Pastor Ash or New Life Community Church asked about the Tincum Swim Club and who owns it. Pastor Ask reference the “ladies” raking leaves and complimented the Club on the work they do in keeping it looking nice.

Adjournment of Meeting

ON A MOTION by Roger Joseph and second by Patrick Barr this meeting was adjourned by a unanimous voice vote.

Respectfully Submitted,
David D. Schreiber
Manager/Secretary